

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARLER, et al )  
Plaintiffs, ) CASE NO. 2:20-cv-00616-BJR  
v. ) ORDER ON CONSOLIDATION  
ASPEN AMERICAN INSURANCE )  
COMPANY, )  
Defendant.)

On November 11, 2020, the Court conducted a case management conference to discuss possible consolidation of this and other like matters involving claims for business insurance coverage resulting from the COVID 19 pandemic. Federal Rule of Civil Procedure 42(a) permits courts to consolidate “[i]f actions before the court involve a common question of law or fact.” FED. R. CIV. P. 42(a). This rule affords “broad discretion” to consolidate cases pending in the same district, either upon motion by a party or *sua sponte*. *In re Adams Apple, Inc.*, 829 F.2d 1484, 1487 (9th Cir. 1987). Courts consider a number of factors in analyzing the appropriateness of consolidation, including judicial economy, whether consolidation would expedite resolution of the case, whether separate cases may yield inconsistent results, and the potential prejudice to a party opposing consolidation. See 8 Moore’s Federal Practice—Civil § 42.10[4-5] (2020).

Based on the case management conference and the agreement of the parties, the Court concludes that consolidation according to insurance group will best serve judicial economy in resolving the common issues presented by these cases. As such, the Court hereby ORDERS that the cases involving the insurance group Aspen American Insurance Company be consolidated. These cases include *Marler v. Aspen American Insurance Company* (20-cv-616); *Karla Aylen DDS PLLC v. Aspen American Insurance Company* (20-cv-717); *Jagow v. Aspen American Insurance Company* (20-cv-1205); *Shokofeh Tabaraie DDS PLLC v. Aspen American Insurance Company* (20-cv-1035); and *Mikkelsen v. Aspen American Insurance Company* (20-cv-5378), which shall be consolidated under case number 20-cv-616 as the first filed case. The Clerk of the Court is hereby notified of this consolidation.

DATED this 10th day of November, 2020.

Barbara J. Rothstein  
BARBARA J. ROTHSTEIN  
UNITED STATES DISTRICT JUDGE